Annual Report
2003

Saskatchewan Conflict of Interest Commissioner

104-05108/

Saskatchewan
Conflict of Interest
Commissioner

SASKATCHEWAN

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March 29, 2004.

The Honourable Myron Kowalsky,
Speaker of the Legislative Assembly
of Saskatchewan,
Room 129 Legislative Building,
Regina, Saskatchewan.
S4S 0B3

Dear Mister Speaker:

I have the pleasure and honour to present to you the Annual Report of the Office of the Conflict of Interest Commissioner for the period of January 1, 2003 to December 31, 2003.

This Report is submitted pursuant to Section 25 of *The Members' Conflict of Interest Act*, Chapter M-11.11, Statutes of Saskatchewan, 1993.

Yours respectfully

G. L. GERRAND, Q.C.
Commissioner

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ANNUAL REPORT

To the Legislative Assembly
For the Year Ending 2003

Introduction

This is my report of the progress and activities of the Office of the Conflict of Interest Commissioner for the calendar year 2003. I wish to thank the officials of the Legislative Assembly and particularly, the elected Members for their kind co-operation in the carrying out of our respective responsibilities.

The Members' Conflict of Interest Act is a reflection of the commitment of the Members of the Legislature to ensure that the public good prevails over the private interest of Members in the carrying out of the legislative and administrative responsibilities of Members. Some levels of Government in Canada continue to strive for the implementation of appropriate legislative codes of ethical conduct for elected Members; we, in Saskatchewan, have had a workable and satisfactory *Act* since 1993.

Member's Obligations

Under the provisions of *The Members' Conflict of Interest Act,* Members should:

(a) instill public confidence and trust in the Member's integrity by the manner in which he or she performs his or her duties of office and not use any information gained as a Member for the advancement of his

or her private interests;

(b) decline the acceptance of remuneration, gift or benefit offered to them by reason of their elected position unless the remuneration, gift or benefit is authorized by law or can be categorized as an incident of the protocol or social obligations normally related to his or her elected or appointed position;

(c) arrange their private affairs in compliance with the *Act* and prevent conflicts from arising.

When a person is elected as a Member of the Legislative Assembly of Saskatchewan, a higher standard of disclosure is imposed by the *Act* on the elected individual than applies to other citizens. It is the Member's responsibility to:

- file annually with the Commissioner a written private disclosure detailing their financial affairs and the financial affairs of close family members;

- meet annually with the Commissioner and fully and frankly answer all questions of the Commissioner relating to their financial affairs;

- refrain from contracting with Government unless specifically approved under the *Act* or by the Commissioner;

- declare any conflict of interest and withdraw from a meeting without debating or voting on the matter;

- seek the advice of the Commissioner respecting any conflict or potential conflict problem.

The Members of the Legislature are aware of the importance of maintaining a high level of ethical conduct to ensure public confidence and trust in our parliamentary system. It is my view that each of the Members strongly desires to observe the letter and spirit of *The Members' Conflict of Interest Act*. With the exception of the continuing time limit oversights of a few Members, this laudable objective was again achieved in the year 2003.

Commissioner's Obligations

It is the Commissioner's responsibility:

- to assist Members in understanding their responsibilities and obligations under *The Members' Conflict of Interest Act*;

- to receive and assess each Member's Private Disclosure Statement;

- to meet annually with each Member and his or her spouse or partner, if available, to review the Member's Private Disclosure Statement and provide advice and direction respecting the Member's obligation under the *Act*;

- to prepare and file annually with the Clerk of the Legislative Assembly a Public Disclosure Statement of each Member;

- to duly carry out all inquiries and investigations in accordance with the provisions of the *Act*;

- to provide opinions to Members respecting any matters of concern related to conflict of interest or potential conflict of interest and ethical issues;

- to ensure that the provisions of *The Members' Conflict of Interest Act* are observed.

The Disclosure Process

Each Member is required to file with me annually, by March 31, a Private Disclosure Statement detailing particulars of income, assets, indebtedness and business relationships of themselves, their spouses or partners, their dependent children and their associates. Most Members of the Legislature filed their 2003 Private Disclosure Statements by March 31. However, two members were delinquent in the timing of their filing obligations.

By reason of amendments to *The Members' Conflict of Interest Act,* Members were permitted, commencing in 2003, to prepare and file with the Commissioner a short form of Private Disclosure Statement, where appropriate and with my approval. Thirty-three Members were permitted to utilize the short form of Statement for the year subject to this Report.

The *Act* requires that I prepare and file with the Clerk of the Legislative Assembly a Public Disclosure Statement respecting the financial and property affairs of each

Member. The Public Disclosure Statement is available for public review and was filed for each Member prior to June 30, 2003, as required by the *Act*.

Election and ByElections

Byelections were held in three constituencies in 2003. Sections 11(1) and 11(2)(b) of *The Members' Conflict of Interest Act* provide:

> "11(1) Every member shall file with the commissioner a disclosure statement in the form prescribed by the regulations.
>
> (2) The disclosure statement mentioned in subsection (1) shall be filed:
>
> ...
>
> (b) in the case of a member who is elected, within 90 days of being elected."

Each of the Members elected in the byelections duly complied with this disclosure obligation in a timely manner.

Following the general election of November 5, 2003, an orientation meeting was arranged for the ten newly elected Members. A portion of the program included my review of the primary responsibilities of the newly elected Members under the *Act*.

Exemptions Granted Pursuant to Section 34(5) of *The Members' Conflict of Interest Act*

There were no exemptions applied for or granted pursuant to Section 34(5) of *The Members' Conflict of Interest Act*.

Budget and Expenditure of the Office of the Commissioner

The budget for the office of the Commissioner for the year 2003 was $122,000.00. This budgetary amount has not changed since my appointment in 2000. The sum of $100,690.52 was actually expended in the operation of the office.

DATED at Regina, Saskatchewan, this 29th day of March, 2004.

G.L. Gerrand, Q.C.
Conflict of Interest Commissioner
for Saskatchewan